

EXPLANATORY MEMORANDUM TO

The Juries (Amendment) Regulations (Northern Ireland) 2016

S.R. 2016 No. 268

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 30(1) of the Juries (Northern Ireland) Order 1996 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Regulations amend Forms 1, 2 and 4 in Schedule 1 to the Juries Regulations (Northern Ireland) 1996 ("the 1996 Regulations") in consequence of amendments made to the Juries (Northern Ireland) Order 1996 ("the 1996 Order") by sections 77 and 79 to 81 of the Justice Act (Northern Ireland) 2015.
- 2.2. Those sections remove the upper age limit for jurors and update the lists of persons who are disqualified, ineligible or excusable as a right from jury service.

3. Background

- 3.1. Section 77 of the 2015 Act amends Article 3 of the 1996 Order to remove the upper age limit for jurors (which is currently 70).
- 3.2. Section 79 amends Schedule 1 to the 1996 Order, which lists those persons disqualified for jury service, to include those who have at any time been convicted of an offence and had an indeterminate custodial sentence imposed under the Criminal Justice (NI) Order 2008.
- 3.3. Section 80 updates Schedule 2 to the 1996 Order, which lists those persons ineligible for jury service, to include members of the newly established National Crime Agency and National Crime Agency officers, and to remove entries in the list which are no longer relevant.
- 3.4. Section 81 amends Schedule 3 to the 1996 Order, which lists those persons excusable as of right from jury service, by replacing outdated entries and also by amending the entry relating to persons aged between 65 and 70 years so that it will instead refer to persons aged over 70 years.
- 3.5. The 1996 Regulations prescribe the form of Notices and Return which shall be served upon potential jurors. These forms include eligibility information as set out in the 1996 Order.
- 3.6. The Statutory Rule accordingly amends the relevant Forms in the Schedule to the 1996 Regulations to reflect the changes made to the 1996 Order by the Justice Act provisions.

4. Consultation

- 4.1. Consultation on the proposed content of the Statutory Rule took place with the Justice Committee in June 2016.
- 4.2. The Department also consulted publicly on the removal of the upper age limit for jury service. The majority of respondents did not think that there should be an upper age limit.

5. Equality Impact

- 5.1. The Department carried out a full equality impact assessment on the revised upper age limit for jurors.
- 5.2. The Department concluded that it was a subjective question whether or not the identified impacts were adverse; some older people may welcome their inclusion in the jury pool as a positive recognition of their value as equal members of society and an opportunity to participate in the justice system; others may view it as an unwelcome imposition of a potentially arduous and stressful burden.
- 5.3. The Department concluded that there should be a right to excusal for any person aged 70 or over. Any older person who does not wish to undertake jury service, therefore, will have an automatic right to be excused.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment is not considered necessary. There will be no impact on business, charities or voluntary bodies.

7. Financial Implications

- 7.1. None.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Regulations are not incompatible with the Convention rights, are not incompatible with European Union law, do not discriminate against a person or class of person on the grounds of religious belief or political opinion; and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. None.

10. Parity or Replicatory Measure

- 10.1. These measures are unique to Northern Ireland.

11. Additional Information

- 11.1. None.